

ORDINANCE **N0.1621-A**

AN ORDINANCE ADOPTING THE "UNIFORM BUILDING CODE," VOLUMES 1, 2, AND 3, **1994** EDITION, WHICH CODES REGULATE THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF BUILDINGS OR STRUCTURES IN THE CITY OF LODI, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE, PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF: REPEALING SECTIONS **15.04.010, 15.04.020, 15.04.030, 15.04.040, 15.04.050, 15.04.060, 15.04.070, 15.04.080, AND 15.04.090** INCLUSIVE OF THE CODE OF THE CITY OF LODI, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the City Council of the City of Lodi did on the 15th day of November, **1995**, schedule a public hearing thereon for December **6, 1995**, at the hour of 7:00 o'clock p.m. of said day in the Carnegie Forum, **305** West Pine Street, Lodi, California, in accordance with the provisions of Section **50022.1** et seq. of the Government Code; and

WHEREAS, notice of the hearing was published twice in a newspaper of general circulation in accordance with the provisions of Section **50022.3** of the Government Code as appears by the Affidavit of Publication on file therein; and

WHEREAS, at the time set for hearing no protests were received by the City Council;

NOW THEREFORE the City Council of the City of Lodi does ordain as follows:

Section 1. Sections **15.04.010, 15.04.020, 15.04.030, 15.04.040, 15.04.050, 15.04.060, 15.04.070, 15.04.080, and 15.04.090** of the Code of the City of Lodi are hereby repealed and the same are superseded and replaced by new Sections **15.04.010, 15.04.020, 15.04.030, 15.04.040, 15.04.050, 15.04.055, 15.04.060, 15.04.070, 15.04.080, and 15.04.090** to read as hereinafter set forth.

Section 2. There is hereby adopted a new Section **15.04.010** of the Code of the City of Lodi to read in full as follows:

Sec. 15.04.010. Adoption. The provisions set forth in the “Uniform Building Code,” 1994 Edition, Volumes 1, 2, &3, together with appendix Chapters 3 Div. I, 4 Div. II & III, 12 Div. II, 15, 18, 30, 31 Div. II & III, 33, and 34 thereto, are hereby adopted **as** the Building Code of the City of Lodi. The Building Code of the City of Lodi shall apply to all matters pertaining to the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City of Lodi, California; the issuance of building permits and the collection of fees therefore; and the enforcement of the rules and regulations **as** set forth in said “Uniform Building Code,” 1994 Edition Volume 1,2, &3, and appendixes thereto.

section 3. There is hereby adopted a new Section 15.04.020 of the Code of the City of Lodi to read in full as follows:

Revisions, additions and deletions. The revisions, additions and deletions to the code adopted by the preceding section are hereby approved by the City Council **as** exceptions are as follows:

Sec. 15.04.020

UBC Chapter 34: Sec. 3404. Add section—

“No person shall move or cause to be moved any building or structure **within** the incorporated area of the City of Lodi without first obtaining a moving permit from the Chief Building Inspector. Any such building or structure not fully meeting the requirements of the Building Code shall be repaired or remodeled in conformity with the provisions of this code either at the time of moving or after reaching its destination. In the event that the repair or remodel cannot be done before moving, the owner of the building or structure may, for the purpose of obtaining the moving permit, file with the Building Department a corporate surety bond or cash in **an** amount equal to the sum of the repair or remodel, said amount as estimated by the Chief Building Inspector; said bond guaranteeing that the repairs or remodel shall be completed within six months from the time of moving. In the event the remodel or repairs have not been completed in the specified time, the Chief Building Inspector shall initiate steps to complete repairs or remodel and apply costs against the forfeited bond.

“Notwithstanding the provisions of this section of the code, if in the opinion of the Chief Building Inspector the building or structure is not suitable for the purposes proposed and/or structurally does not conform to the minimum requirements of this ordinance, a moving permit can be refused.

“A written notice of appeals may be filed **as** per the allowed time limits for a hearing before the Board of Appeals of the City of Lodi as per Section 105 of the Building Code of the City of Lodi.”

Section 4. There is hereby adopted a new Section 15.04.030 of the Code of the City of Lodi to read as follows:

Section 15.04.030

UBC CHAPTER 1: Sec. 104.1. Change to read:

“There is hereby established in the City of Lodi a Building Division of the Community Development Department which shall be under the jurisdiction of the Chief Building Inspector designated by the appointing authority, and whenever in this Code reference is made to ‘Building Official’ it shall mean the Chief Building Inspector of the City of Lodi or his authorized representative.”

Section 5. There is hereby adopted a new Section 15.04.040 of the Code of the City of Lodi to read as follows:

Section 15.04.040

UBC CHAPTER 1: Sec. 105.1 Change to read:

“In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this code, the City Council shall sit **as** a board of appeals. The Chief Building Inspector shall be an ex-officio member and shall act as secretary of the board. Three members present shall constitute a quorum and no act of the board shall be valid unless a majority of the full board shall concur therein.

“The board of appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Chief Building Inspector with the other copy to the applicant.”

Section 6. There is hereby adopted a new Section 15.04.050 of the Code of the City of Lodi to read in full **as** follows:

Section 15.04.050

UBC CHAPTER 1: Sec. 107.1. Change paragraph 1 to read:

“Building Permit Fees. A fee for each building permit required by this Code shall be paid to the City of Lodi as set forth in Table No. 1-A, as modified herein. Fees shall be paid prior to permit issuance.

TABLE NO. 1-A

| TOTAL VALUATION | FEEs |
|---------------------------|---|
| \$ 1.00 to \$ 500 | \$20.00 |
| \$ 501 to \$ 2,000 | \$20.00 for the first \$500 plus \$2.00 each additional \$100 or fraction thereof, to and including \$2,000. |
| \$ 2,001 to \$ 25,000 | \$50.00 for the first \$2,000 plus \$10.00 for each additional thousand or fraction thereof to and including \$25,000. |
| \$ 25,001 to \$ 50,000 | \$280 for the first \$25,000 plus \$7.25 for each additional thousand, or fraction thereof, to and including \$50,000. |
| \$ 50,001 to \$ 100,000 | \$461.25 for the first \$50,000 plus \$5.00 for each additional thousand, or fraction thereof, to and including \$100,000. |
| \$ 100,001 to \$1,000,000 | \$711.25 for the first \$100,000 plus \$3.90 for each additional thousand, or fraction thereof. |
| \$1,000,001 and up | \$4,221.25 for the first \$1,000,000 plus \$2.80 for each additional thousand or fraction thereof. |

OTHER INSPECTION FEES AND REFUNDS:

1. Inspections outside of normal business hours
(Minimum charge - 3 hours) **\$40.00 per Hr.**
2. Reinspection fee assessed under provision
of Section 108.8. **\$30.00 each**
3. Inspection for which no fee is specifically
indicated **\$30.00 per Hr.**
4. Additional plan review required by changes,
additions or revisions to approved plans.
(Minimum charge - one-half hour) **\$30.00 per Hr.**
5. Special inspections required by owners, real estate
agencies, or loan agencies to determine compliance
to the Building Code in effect at the time of
construction:
 First hour **\$80.00**
 Each additional hour **\$30.00**
6. Refunds on all permits shall be subject to a **\$35.00**
 administrative processing fee.
7. Board of Appeals Fee **\$250.00**
8. Demolition Permit **\$ 50.00**

Section 7. There is hereby adopted a new Section **15.04.055** of the Code of the City of Lodi to read as follows:

Section 15.04.055

Special Inspections - Downtown business district.

A. Notwithstanding paragraph 5 of Section **15.04.050** above, special inspection fees required to determine compliance with the building code for all buildings and structures located within the area designated by Section 13.12.195(B) as the downtown business district shall be waived.

B. This section shall expire and shall be of no further force or effect after January 1, 2000. The city council finds and declares that this action is taken to protect and preserve a crucial part of Lodi's economy and to preserve a portion of the city's heritage by offering incentives for businesses to locate, relocate or expand existing commercial uses within this downtown area.

Section 8. ~~There~~ is hereby adopted a new Section 15.04.060 of the Code of the City of Lodi to read as follows:

Section 15.04.060

UBC CHAPTER 5: Sec. 503.

Table No. 5A - Wall and Opening Protection of Occupancies Based on Location of ~~property~~ - change to read:

“Group A, B, E, F, H, I, M, and S Occupancies: Fire Resistance of Exterior Walls

“Exterior walls of I1 One-hour, I1-N and Type V construction shall be of four-hour fire-resistive construction when they are closer than five feet (5’) to the property line with no openings permitted”

Section 9. There is hereby adopted a new Section 15.04.070 of the Code of the City of Lodi to read as follows:

Section 15.04.070

UBC CHAPTER 23 : Sec. 2317.3. Underfloor Clearance. Change first paragraph to read:

“When wood joists, girders, or the bottom of wood structural floors without joists are located closer than 18 inches to exposed ground in crawl spaces or unexcavated areas located within the periphery of the building foundation, the floor assembly, including posts, girders, joists and subfloor, shall be approved wood of natural resistance to decay ~~as~~ listed in Section 2317.4 or treated wood.”

Section 10. There is hereby adopted a new Section 15.04.080 of the Code of the City of Lodi ~~to~~ read as follows:

Section 15.04.080

UBC CHAPTER 18: Sec. 1806.1. Add third paragraph

“Concrete or ~~masonry~~ shall not be poured or set against wood, such as exterior porch, patio slab or concrete steps; the foundation height shall be increased sufficiently to insure concrete to concrete contact and any substitute shall have the specific approval of the Chief Building Inspector.”

Section 11. There is hereby adopted a new Section 15.04.090 of the Code of the City of Lodi to read **as** follows:

Section 15.04.090 Violation --Misdemeanor

A. It is unlawful for any person to erect, construct, enlarge, alter, **repair**, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of the building code adopted by section 15.04.010.

B. Any person, firm, or corporation violating any provision of this Code **shall** be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine **and/or** imprisonment set forth by the governing laws of the jurisdiction. Each separate day or any portion thereof, during which any violation of this Code occurs or continues, shall be deemed to constitute **a** separate offense.

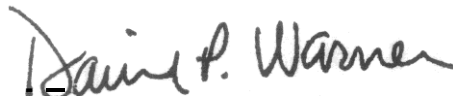
Section 12 - No **Mandatory Duty of Care** This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, **or** any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so **as** to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 13 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 14. All ordinances and parts of ordinances in conflict herewith **are** repealed insofar **as** such conflict may exist.

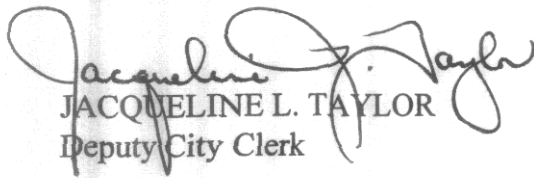
Section 15. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect thirty days after its passage.

Approved this 20th day of December, 1995.



DAVID P. WARNER
Mayor

Attest:


JACQUELINE L. TAYLOR
Deputy City Clerk

State of California
County of ~~San~~ Joaquin, ss.

I, Jacqueline L. Taylor, Deputy City Clerk of the City of Lodi, do hereby certify that Ordinance No.1621-A was introduced at a regular meeting of the City Council of the City of Lodi held December 6, 1995 and ~~was~~ thereafter passed, adopted and ordered to print at a regular meeting of said Council held December 20, 1995 by the following vote:

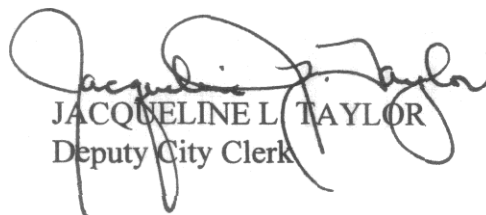
Ayes: Council Members - Mann, Pennino, Sieglock, Warner (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1621-A ~~was~~ approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


JACQUELINE L. TAYLOR
Deputy City Clerk

Approved ~~as~~ to Form



RANDALL A. HAYS
City Attorney